

PATENT  
Attorney Docket No. 101.0058-03000  
Customer No. 22882

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: ) Confirmation No. 5309  
Gary K. Michelson, M.D. )  
Serial No.: 10/802,906 ) Group Art Unit: 3733  
Filed: March 17, 2004 ) Examiner: Richard R. Shaffer  
For: ORTHOPEDIC IMPLANT WITH )  
LOCKING ELEMENT (as amended) )

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Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**TERMINAL DISCLAIMER**

Petitioner ("Assignee") Warsaw Orthopedic, Inc., duly organized under the laws of the State of Indiana, and having its principal place of business at 2500 Silveus Crossing, Warsaw, Indiana 46581, represents that it is the only assignee of the entire right, title and interest in and to the above-identified Application No. 10/802,906, filed March 17, 2004 for ORTHOPEDIC IMPLANT WITH LOCKING ELEMENT in the name of Gary Karlin Michelson as indicated by the assignment recorded in the United States Patent and Trademark Office at Reel 018654, Frame 0480; and is the only assignee of the entire right, title and interest in and to the applications listed below:

1. Application No. 10/160,059, filed June 4, 2002 (now U.S. Patent No. 7,118,573), for a DYNAMIC ANTERIOR CERVICAL PLATE SYSTEM HAVING MOVEABLE SEGMENTS, INSTRUMENTATION, AND METHOD FOR INSTALLATION THEREOF in the name of Gary Karlin Michelson as indicated by the assignment recorded in the United States Patent and Trademark Office at Reel 018471 Frame 0824;

2. Application No. 10/160,407, filed June 4, 2002 (now U.S. Patent No. 7,044,952) for a DYNAMIC MULTILOCK ANTERIOR CERVICAL PLATE SYSTEM

Terminal Disclaimer 04-30-07

HAVING NON-DETACHABLY FASTENED AND MOVEABLE SEGMENTS in the name of Gary Karlin Michelson as indicated by the assignment recorded in the United States Patent and Trademark Office at Reel 018480 Frame 0277;

3. Application No. 10/160,247, filed June 4, 2002 (now U.S. Patent No. 7,041,105) for DYNAMIC, MODULAR, MULTILOCK ANTERIOR CERVICAL PLATE SYSTEM HAVING DETACHABLY FASTENED ASSEMBLEABLE AND MOVEABLE SEGMENTS in the name of Gary Karlin Michelson as indicated by the assignment recorded in the United States Patent and Trademark Office at Reel 018480 Frame 0277;

4. Application No. 09/618,157, filed July 17, 2000 (now U.S. Patent No. 6,527,776) for A LOCKING ELEMENT FOR LOCKING AT LEAST TWO BONE SCREWS TO AN ORTHOPEDIC DEVICE in the name of Gary Karlin Michelson as indicated by the assignment recorded in the United States Patent and Trademark Office at Reel 018720 Frame 0323;

Assignee Warsaw Orthopedic, Inc. further represents through its representative that to the best of assignee's knowledge and belief, title to the above-identified application and to United States Patent Nos. 7,118,573; 7,044,952; 7,041,105; and 6,527,776 are in assignee, which is submitting this Terminal Disclaimer.

To obviate a double patenting rejection, Assignee Warsaw Orthopedic, Inc. hereby disclaims, under the provisions of 37 C.F.R. § 1.321, the terminal part of any patent granted on the above-identified application, Application No. 10/802,906, which would extend beyond the expiration date of Patent Nos. 7,118,573; 7,044,952; 7,041,105; and 6,527,776, and hereby agrees that any patent so granted on the above-identified application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to United States Patent Nos. 7,118,573; 7,044,952; 7,041,105; and 6,527,776, this agreement to run with any patent granted on the above-identified application and to be binding upon the grantee, its successors or assigns.

In making the above disclaimer, Petitioner does not disclaim the terminal part of any patent granted on Application No. 10/802,906 that would extend to the expiration

date of the full statutory term as defined in 35 U.S.C. §§ 154 to 156 and 173 of Patent Nos. 7,118,573; 7,044,952; 7,041,105; and 6,527,776, as presently shortened by any terminal disclaimer, in the event that Patent Nos. 7,118,573; 7,044,952; 7,041,105; and 6,527,776 expire for failure to pay a maintenance fee, are held unenforceable, are found invalid by a court of competent jurisdiction, are statutorily disclaimed in whole or in part, are terminally disclaimed under 37 C.F.R. § 1.321, have all claims canceled by a reexamination certificate, are reissued, or are in any manner terminated prior to the expiration of their full statutory term, as presently shortened by any terminal disclaimer.

In accordance with the fee schedule set forth in 37 C.F.R. § 1.20(d), the required fee of \$130.00 is to be charged to Deposit Account No. 50-3726.

If there are any additional fees due in connection with the filing of this reply, please charge the fees to our Deposit Account No. 50-3726. If a fee is required for an extension of time under 37 C.F.R. 1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account.

The undersigned is authorized to act on behalf assignee Warsaw Orthopedic, Inc.

Respectfully submitted,

MARTIN & FERRARO, LLP

Date: April 30, 2007

By: /Amedeo F. Ferraro/  
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